

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

UNITED STATES OF AMERICA,)	No. 2:15-cv-04842-MBS
the States of CALIFORNIA, COLORADO)	
CONNECTICUT, DELAWARE, FLORIDA)	
GEORGIA, HAWAII, ILLINOIS, INDIANA,)	
IOWA, LOUISIANA, MARYLAND,)	
MASSACHUSETTS, MICHIGAN,)	
MINNESOTA, MONTANA, NEVADA,)	
NEW HAMPSHIRE, NEW JERSEY, NEW)	
MEXICO, NEW YORK, NORTH CAROLINA,)	
OKLAHOMA, RHODE ISLAND, TENNESSEE,)	
TEXAS, VIRGINIA, WASHINGTON, and the)	
DISTRICT OF COLUMBIA, <i>ex. rel.</i>)	
GIBRAN AMEER, PHARM. D.,)	
Plaintiffs,)	
)	
v.)	
)	
RESMED, INC. and RESMED, CORP.)	
Defendants.)	

UNITED STATES OF AMERICA,)	No. 3:16-CV-00987-MBS
the States of CALIFORNIA, COLORADO)	
CONNECTICUT, DELAWARE, FLORIDA)	
GEORGIA, HAWAII, ILLINOIS, INDIANA,)	
IOWA, LOUISIANA, MARYLAND,)	
MASSACHUSETTS, MICHIGAN,)	
MINNESOTA, MONTANA, NEVADA,)	
NEW JERSEY, NEW MEXICO, NEW)	
YORK, NORTH CAROLINA,)	
OKLAHOMA, RHODE ISLAND, TENNESSEE,)	
TEXAS, VERMONT, VIRGINIA,)	
WASHINGTON, WISCONSIN, and the)	
DISTRICT OF COLUMBIA, <i>ex. rel.</i>)	
THOMAS BAKER,)	
Plaintiffs,)	
)	
v.)	
)	
RESMED, INC. and RESMED, CORP.)	
Defendants.)	

NOTICE OF DISMISSAL

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and 31 U.S.C. §3730(b)(1), the qui tam provisions of the False Claims Acts of the named states, and in accordance with the terms of the settlement agreement between the Settling States identified below, the Relator hereby gives notice of dismissal of the claims brought on behalf of the states of California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin and the District of Columbia (collectively referred to as “the Plaintiff States”).

The Plaintiff States of California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, and Wisconsin (“Settling States”) have entered into separate settlement agreements (“State Settlement Agreements”) with defendant ResMed, Corp. to settle state claims associated with the Covered Conduct as defined in Paragraph E of the Settlement Agreement between defendant and the Settling States.

The states of Connecticut, Hawaii, and the District of Columbia (“Non-Settling States”) did not enter into settlement agreements.

- 1) Relator dismisses with prejudice his supplemental claims under the various state *qui tam* statutes pled in this Civil Action as to ResMed, Inc. and ResMed, Corp.;
- 2) The Settling States dismiss with prejudice their claims as to the Covered Conduct as defined in the State Settlement Agreements;

3) The Settling States dismiss without prejudice all of their other claims in this Civil Action.

4) The states of Connecticut, Hawaii and the District of Columbia consent to dismissal without prejudice of the claims associated with this Civil Action;

The state plaintiffs have not appeared in this action. The defendant has not served an answer or a motion for summary judgment in this action. A stipulation of dismissal has already been filed with the Court for the claims brought on behalf of the United States and those brought on behalf of the Relator. This stipulation is being filed at the request and with the approval of Lareena J. Phillips, Esquire, State Team Lead for the Medicaid Participating States.

The Relator, on behalf of himself, his heirs, successors, attorneys, agents, and assigns, stipulates that the Settlement Amount set forth in the Settlement Agreement with the State Plaintiffs and the terms and conditions described therein are fair, adequate and reasonable under all the circumstances, that he will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that he expressly waives the opportunity for a hearing on any objection to the Settlement Agreement pursuant to 31 U.S.C. § 3730(c)(2)(B).

Accordingly, Relator respectfully requests that the Court enter an order dismissing all claims brought on behalf of the State Plaintiffs. A proposed order will be submitted separately.

[signature page follows]

Respectfully submitted,

s/Christopher P. Kenney
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ATTORNEYS FOR PLAINTIFF-RELATOR
GIBRAN AMEER, PHARM. D.

March 3, 2020
Columbia, South Carolina.

AND WE SO STIPULATE AND AGREE:

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